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Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2835
PATENT

ATTORNEY DOCKET NO.: 041501-5462

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	MS AF
)	
Dong Jae YOU et al.)	Confirmation No.: 7015
)	
Serial No.: 09/987,390)	Group Art Unit: 2835
)	
Filed: November 14, 2001)	Examiner: H. Doung
)	
For: STRUCTURE FOR ASSEMBLING)	
FLAT DISPLAY)	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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Sir:

REQUEST FOR RECONSIDERATION TRANSMITTAL FORM

1. Transmitted herewith is a Request for Reconsideration in response to the Office Action dated April 21, 2003.
2. Additional papers enclosed.

- ☐ Drawings: ☐ Formal ☐ Informal (Corrections)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, 1 reference included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for __ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	17	Minus	20	0	x \$18 each=	+ \$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	3	Minus	3	0	x \$84 each=	+ \$ 0.00
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$ 0.00
Reduction by 1/2 for filing by a small entity-						\$
TOTAL FEE =						\$ 0.00

6. Fee Payment

[X] No fee is to be paid at this time.

[] Please charge \$ _____ for the _____ fee to our Deposit Account No. 50-0310.

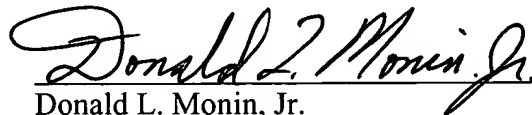
[X] The Commissioner is hereby authorized to charge any fees including fees due under 37 CFR §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: July 21, 2003

By:


Donald L. Monin, Jr.
Reg. No. 47,256

CUSTOMER NO.: 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202-739-3000
Facsimile: 202-739-3001



#7
8-1-03
Robert
AFinal

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REQUEST FOR RECONSIDERATION

In response to the Final Office Action (Paper #6) dated April 21, 2003, the period for response to which extends through July 21, 2003. Applicants respectfully request reconsideration and allowance of the application for the following reasons:

In the April 21, 2003 Final Office Action, claims 1-8, 10, 12-14, and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cho et al. (U.S. Patent No. 6,411,501). Further, claims 9, 11, 15, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cho et al. (U.S. Patent No. 6,411,501) in view of Lee (U.S. Patent No. 6,104,605).

In the previous response, Applicants amended independent claims 1, 6 and 12 to recite that the “joining parts are integrally formed in the case.” Apparently, the position taken in the April 21, 2003 Final Office Action is that the terms “integrally formed” are “sufficiently broad to embrace construction by such means as fastening and welding” citing *In re Hotte*. Based on this assertion that “integrally formed” can include the use of fastening means, the Final Office Action is apparently interpreting that a fixing protrusion 27 on the hinge frame 20 in Cho et al. is integrally attached to the case 30 in Cho et al. by screws 18 that attach the hinge frame 20 to the case 30. Applicants respectfully submit that the reliance on the authority of *In re Hotte* in maintaining the rejection of claims 1-8, 10, 12-14, and 16 under 35 U.S.C. § 102(e) as being anticipated by Cho et al. (U.S. Patent No. 6,411,501) is improper for at least the following three reasons.

First, Applicants respectfully assert that *In re Hotte* does not address the terms of “integrally formed.” Applicants submit that *In re Hotte* is directed to the single term of “integral” for a specific fact situation in which the term “integral” was not restricted by the specification to mean one-piece. Accordingly, Applicants respectfully assert that there is no case law basis for asserting that the terms “integrally formed” are “sufficiently broad to embrace construction by such means as fastening and welding.”

Second, Applicants respectfully assert that claims must be given their plain meaning unless applicants have provided a clear definition in the specification. See *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). Applicants submit that the plain meaning of “joining parts are integrally formed in the case” is that the joining parts are formed at the same time as the case is formed such that the joining parts are portions of the case. The fixing

protrusion 27 in Cho et al. is integrally formed on the hinge frame 20 of Cho et al. However, the fixing protrusion 27 of Cho et al. is not integrally formed on the case 30 in Cho et al. because the hinge frame 20 is screwed to the case 30 with screws 18. Accordingly, Applicants respectfully submit that Cho et al. does not anticipate the plain meaning of “joining parts are integrally formed in the case,” as recited in the claims.

Third, Applicants respectfully assert that claims must be given the broadest reasonable interpretation consistent with Applicants’ specification as it would be interpreted by one of ordinary skill in the art. See *In re Morris*, 127 F.3d 1048, 1053-56, 44 USPQ2d 1023, 1027-30 (Fed Cir. 1997) and *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). Applicants respectfully submit that the fact situation in the present application is different than *In re Hotte*. Unlike the fact situation of *In re Hotte*, the present application defines “integrally formed” to preclude a structure having reinforcing members using screws. For example, paragraph [0026] of Applicant’s specification explains that a structure for assembling a flat display including a plurality of recesses 482 formed at the respective sides of a mold frame 48 of the LCD module 4 and a plurality of hooks 32 integrally formed on the rear cover 3 to be engaged with the recesses 482 in the mold frame. Paragraph [0028] of Applicant’s specification further explains that because the structure for assembling a flat display of the present invention enables simple assembly of a flat display module and a case by use of a fit system, the assembly is easy, and the additional reinforcing members used in the related art screw fastening structure are no longer required, providing a display device having a reduced total weight and dimensions. Applicants further submit that the fixing protrusion 27 on the hinge frame 20 of Cho et al. is a reinforcing member in a screw fastening structure with respect to the case 30. Accordingly,

Applicants respectfully assert that the fixing protrusion 27 on the hinge frame 20 of Cho et al would not be interpreted by one of ordinary skill in the art as integrally formed on the case since it is inconsistent with Applicants' specification.

Therefore, for at least these reasons, Applicants respectfully assert that Cho et al. does not anticipate each and every feature of independent claims 1, 6 and 12. As such, Applicants respectfully assert that the 35 U.S.C. § 102(e) rejection of claims 1, 6 and 12 should be withdrawn. With regard to the 35 U.S.C. § 103(a) rejection of dependent claims 9, 11, 15, and 17 as being unpatentable over Cho et al. in view of Lee), Applicants respectfully assert that the Final Office Action does not rely on Lee to remedy the deficiencies of Cho et al. above.

Accordingly, Applicants assert that the 35 U.S.C. § 103(a) rejection of claims 9, 11, 15 and 17 should be withdrawn at least because of their dependence on allowable independent claims, and for the reasons set forth above. Applicants further assert that dependent claims 2-5, 7, 8, 10, 13, 14 and 16 are allowable at least because of their dependence on allowable independent claims, and for the reasons set forth above.

For at least the foregoing reasons, Applicants submit that the present claims patentably distinguish over the applied Cho et al., and Lee references, whether taken alone or combined in the manner suggested in the Final Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of all rejection of claims under 35 U.S.C. §§ 103(a) and 102(e).

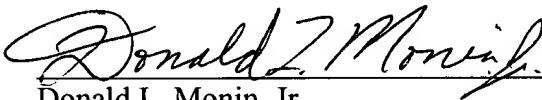
CONCLUSION

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
Donald L. Monin, Jr.
Reg. No. 47,256

Dated: July 21, 2003

Customer No.: 009626
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202-739-3000
Facsimile: 202-739-3001